

Appl. No. 09/889,300

REMARKS**1. Interview of August 31, 2005**

The helpfulness extended by the Examiner to Applicant's representative during the interview of August 31, 2005 is appreciated. The prior art rejection of record, namely anticipation of Ragnhammar et al., was discussed, together with some discussion regarding the USPTO policy concerning the term "vaccine".

2. Rejection Under 35 USC 102

Claims 1, 7-9, 12, 14-15, 17-18 and 20-23 have been rejected under 35 USC 102 over Ragnhammar et al. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The claims have been amended so that amended claim 17 is now the only independent product claim. Claim 17 is directed to an individual dosage formulation comprising an antibody directed against the cellular membrane antigen Ep-CAM in an amount of 0.01-4 mg, namely a low dosage administration for the purpose of stimulating "active" immunotherapy treatment in a patient. Ragnhammar, on the other hand, is directed to administering high clinical doses of the monoclonal antibody, such as 400 mg as described in the right hand column on page 751 of the publication. Ragnhammar et al. does make some mention of an infusion of antibody at 1.0 mg, but that administration was for the purpose of testing an allergic response, not as a therapeutic method for treating cancer as set forth in current claim 20, and not as an individual dosage formulation as defined in current claim 17.

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Accordingly, Applicants submit that the claims as amended distinguish over Ragnhammar et al., so that the rejection should be withdrawn and the claims should be passed to issue.

3. Rejections Under 35 USC 112, First Paragraph

Claims 1, 7-9, 12 and 14-24 have been rejected under 35 USC 112, first paragraph for alleged lack of enablement. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner's rejection is based upon concerns regarding the use of the word "vaccine" in the claims. Without conceding the propriety of the rejection, the word "vaccine" and the phrase "in the formulation of a vaccine" have been deleted from claim 17 in accordance with the Examiner's suggestion at the top of page 6 of the Office Action. It is believed that this action obviates the rejection.

In view of the above, it is believed that the Examiner's rejections have been obviated, so that the claims are now in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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Attachment(s)

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